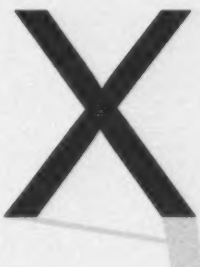

INFORMATION

FOR CANDIDATES

IN YUKON ELECTIONS

INFORMATION FOR CANDIDATES[1]

IN

YUKON ELECTIONS

Revised February 2010

Published by the Chief Electoral Officer of the Yukon

[1] A candidate is a person who files a nomination paper with a returning officer.

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NOTE: Most of the laws affecting candidates and Members of the Legislative Assembly are found in the *Elections Act* or the *Legislative Assembly Act*. This document is intended only as a summary of some aspects of this legislation. Unless otherwise stated, section references are to the *Elections Act*.

A. ELECTION OFFICERS

1. Chief Electoral Officer — S. 12-16, 20

The chief electoral officer is appointed by order of the Commissioner in Executive Council and is responsible for "general direction and supervision over the administrative conduct of elections." Although the Cabinet is responsible for this appointment, the chief electoral officer is non-partisan. The *Elections Act* specifies that the chief electoral officer "shall refrain from any active or public support or criticism of any candidates or any political party endorsing a candidate."

2. Assistant Chief Electoral Officer — S. 17-20

The chief electoral officer appoints an assistant chief electoral officer who assists in the conduct of elections. This person is responsible for ensuring that the chief electoral officer's instructions are carried out and all election forms and materials are prepared and distributed.

3. Returning Officer — S. 21-28,32

The chief electoral officer appoints one returning officer for each electoral district in Yukon. A returning officer is responsible for the conduct of an election in the electoral district and holds office during pleasure and is accountable to the chief electoral officer for any action taken during an election. A returning officer is also required by the *Elections Act* to refrain from any support or criticism of candidates or political parties. Generally, candidates and official agents deal directly with the returning officer in each electoral district. Campaign managers of the political parties usually communicate with the chief electoral officer and assistant chief electoral officer.

4. Assistant Returning Officers — S. 21-26, 29-32

The chief electoral officer appoints one or more assistant returning officers for each electoral district. This person assists the returning officer in carrying out any duties and can fulfil any of the duties assigned to the returning officer in the *Elections Act*.

5. **Enumerators** **S. 62-65,68**

The returning officer appoints one or two enumerators for each polling division in the electoral district. Enumerators are responsible for preparing the preliminary list of electors by house-to-house visits. This list contains the initials, last names and addresses of all eligible electors in the polling division. It must be completed by Day 13 and distributed to candidates by Day 17 of the election period.

6. **Revising Officers** **S. 137**

The returning officer appoints as many revising officers, one of whom may be the assistant returning officer, as are necessary for the electoral district. The returning officer can also act in this capacity. Revising officers are responsible for processing applications from any elector, or representative of an elector, to: (1) add a name, (2) remove a name, (3) correct a name or address, or (4) add a name to another polling division, if an elector's place of residence has changed since enumeration but before the end of revision. The list which the revising officer certifies at the end of revision is the official list used for the taking of the poll. Revision takes place from 9:00 a.m. to 9:00 p.m. on Day 18 and Day 19 of the election period.

7. **Information and Resource Officer** **S.190.1-190.2**

An information and resource officer is appointed by the returning officer to a polling place with four or more polling stations on polling day. The information and resource officer is responsible for supporting and providing assistance to deputy returning officers and for swearing in electors who are qualified to vote but are not on the list on polling day.

8. **Deputy Returning Officer** **S. 180-185**

One deputy returning officer is appointed by the returning officer for each polling station in the electoral district. This person conducts the poll at advance polls and on polling day by issuing a ballot paper to each elector (or proxy voter) at the polling station, administering declarations as may be required, counting the ballots at the close of the poll (8:00 p.m.) and ensuring order in the polling place. The deputy returning officer is also responsible for custody of the ballot box and other election documents.

9. **Poll Clerk** **S. 191-195**

Each deputy returning officer appoints a poll clerk to assist in the conduct of the poll. The poll clerk is responsible for recording in the poll book the names and addresses of electors who are voting and any other information that may be required by the deputy returning officer.

10. Interpreter **S. 196,197**

An interpreter may be appointed to a polling station during the hours for polling by either the returning officer or the deputy returning officer to assist any elector who does not understand English.

11. Poll Attendant **S. 198**

A poll attendant is appointed by the returning officer or the deputy returning officer to direct electors to their polling stations and to ensure that there is order in the polling place.

B. ELECTION PERIOD

DAY	TIME	ACTIVITY	SECTION
0-Friday		Writ issued	50
1-9		Proclamation issued	58
		Enumeration commences	70
10-Monday	**10:00 a.m. - 2:00 p.m.**	**NOMINATION DAY**	112,113
11-Tuesday		Mail-in ballot papers distributed	157
13-Thursday		RO[2] receives preliminary list of electors	71
		Special ballots issued	105
		Proxy certificates issued	108
17-Monday		Lists distributed to candidates	78,80,81
18-Tuesday	**9:00 a.m. - 9:00 p.m.**	**REVISION**	138-148
19-Wednesday	**9:00 a.m. - 9:00 p.m.**	**REVISION**	138-148
		List of electors voting by special ballot to candidates	102
20-Thursday	**4:00 p.m.- 8:00 p.m.**	**SPECIAL REVISION**	153-155
21-Friday	**4:00 p.m.- 8:00 p.m.**	**SPECIAL REVISION**	153-155
22-Saturday		List of revision changes and additions distributed to candidates	150
23-Sunday	**2:00 p.m. - 8:00 p.m.**	**ADVANCE POLL**	199
		SPECIAL REVISION	153-155
24-Monday	**2:00 p.m. - 8:00 p.m.**	**ADVANCE POLL**	199
		SPECIAL REVISION	153-155
		List of electors who voted at the advance poll distributed to candidates	207(b)
25-Tuesday	**4:00 p.m.- 8:00 p.m.**	**SPECIAL REVISION**	153-155
26-Wednesday	**4:00 p.m.- 8:00 p.m.**	**SPECIAL REVISION**	153-155

[2] Returning officer

27-Thursday	**4:00 p.m.- 8:00 p.m.**	**SPECIAL REVISION**	153-155
28-Friday	**4:00 p.m. - 8:00 p.m.**	**SPECIAL REVISION**	153-155
29-Saturday		List of electors who were added at Special Revision distributed to candidates	155(a)
31-Monday	**8:00 a.m. - 8:00 p.m.**	**POLLING DAY**	221
33-Wednesday[3]	**10:00 a.m.**	**OFFICIAL ADDITION** (first possible day)	60,277
38-Monday[4]	**10:00 a.m.**	**ELECTION RETURN** (first possible day that the election is declared)	303

Judicial Recount **S. 286-298**

A recount is required to be held within four days of the judge receiving the application. Recounts are held in the order in which the applications are received. It is possible for an election to be declared earlier than the date stated on the writ of election.

[3] In the event that a tie occurs or the number of votes separating the two candidates with the greatest number of votes is ten or less, the returning officer will apply for a judicial recount. This recount will take place within four days of the judge receiving the application.

[4] The election is declared immediately after a recount; an election may be declared before Day 38.

C. QUALIFICATIONS AND NOMINATION OF A CANDIDATE

1. Qualifications — S. 3,110

To be eligible as a candidate a person must be qualified to vote in a Yukon election. An elector must be 18 years of age, a Canadian citizen and have lived in the Yukon for 12 months on polling day.

A candidate does not have to be a resident or a qualified elector in the electoral district in which the candidate is nominated.

There are a number of provisions relating to the qualifications of a Member of the Legislative Assembly in the *Legislative Assembly Act*. A person may be eligible to be a candidate, although not eligible to sit and vote as a Member. A candidate must file Form 18, Statement of Ineligibility, which states the reason for the ineligibility. If elected, the candidate must rectify the ineligibility within 30 days of being elected to be able to remain as a Member.

Although sections 5 and 6 of the *Legislative Assembly Act* should be consulted to determine eligibility for, or disqualification from, being a Member, the following is a general list of persons who are disqualified:

(a) a Member of the Senate;

(b) a Member of the House of Commons;

(c) a Member of any other Legislature;

(d) a person who accepts or holds any office, commission or employment in the service of, or at the nomination of, Her Majesty or the Government of Canada;

(e) a person who accepts or holds any office, commission or employment in the service of, or at the nomination of, the Government of Yukon except for:

  (i) a casual employee, and

  (ii) a member of a board, commission or other body created by an Act who holds office as a member at the nomination of the Commissioner in Executive Council.

The chief electoral officer will not determine an individual's qualifications as a candidate. Questions concerning eligibility should be referred to private legal counsel.

Annual Disclosure — **S. 7, LA Act**

Each Member of the Legislative Assembly is required to file an annual disclosure statement in April. The statement requires that a Member reveal sources of personal and family income and descriptions of properties in which the Member and the Member's family have or had an interest in the preceding year.

2. Nomination **S. 110-120**

The nomination of a candidate must be made on a Nomination Paper, Form 3, which is available only from the returning office for the electoral district. A nomination paper may be filed with the returning officer or assistant returning officer any time after the proclamation has been posted. It must be filed no later than the close of nominations at 2:00 p.m. on Day 10 of the election period.

The nomination paper must be signed by at least 25 electors qualified in the electoral district. It is prudent to obtain more than 25 signatures in case some of the people signing are mistaken in the belief that they are qualified electors.

More than one witness can obtain the signatures on the nomination paper but each witness is required to initial the signatures of the people who signed the nomination paper in front of them. Persons nominating a candidate must state before the witness(es) that they are qualified as electors in the electoral district. The printed name and address and signature of each person nominating the candidate must be on the nomination paper along with the name and address of each witness. The candidate can be a witness.

The returning officer will not accept a nomination paper that is incomplete or has not been properly witnessed. Further, a nomination paper cannot be accepted unless it is accompanied by a deposit of $200 in cash, money order or certified cheque drawn on a Canadian chartered bank. A money order or cheque should be made payable to the Yukon Consolidated Revenue Fund. **A personal cheque will not be accepted as a nomination deposit.**

This deposit will be refunded if a candidate receives no less than 25 per cent of the votes received by the winning candidate. The refund is authorized after the returning officer declares the election. The refund may be withheld until a complete election financing return is delivered to the Elections Office after the election.

A candidate who is endorsed by a registered political party, and who wishes to have the name of that party appear on election documents (for example, on the

ballot paper), must file a statement in writing signed by the leader of the party, or the leader's designated representative, stating the party's endorsement. This statement must be with the nomination paper when it is filed with the returning officer.

A candidate who is not endorsed by a registered political party or who does not file a statement will be described on election documents as "Independent".

A nomination paper is complete if it contains the following:

(1) the names, addresses and signatures of 25 or more qualified electors in the electoral district,
(2) the names, addresses and initials of witnesses to the nomination,
(3) the name, address and political affiliation of the candidate,
(4) the consent and statement of qualification of the candidate in a declaration,
(5) the appointment, name and address of the official agent signed by the candidate and the official agent's consent in a declaration, and
(6) a location address for the service of documents relating to the election or to any challenge to the election.

S. 124

A candidate must appoint an official agent on the nomination paper. There is provision for an official agent to be replaced if that person can no longer undertake the duties of an official agent.

Nomination papers are public documents and may be viewed at the returning office but are not reproduced for distribution.

S. 121-123

At 2:00 p.m. on Day 10, the returning officer establishes the order in which the names of the candidates will appear on the ballot paper by the drawing of lots. The ballot paper is printed with the candidates' given names (or nicknames) preceding surnames in uppercase letters. The name of the registered political party or political affiliation appears under each candidate's name in lower case with capitals in English and French. Candidates, official agents, and electors have the right to witness the draw for the order of names on the ballot paper.

S. 14(4),119

A returning officer cannot accept a nomination paper after the close of nomination at 2:00 p.m.

A candidate's nomination may be withdrawn by notifying the returning officer in writing before 2:00 p.m. on Day 13.

D. AGENTS OF CANDIDATES

1. Official Agent — S. 115(1)(g),(h)

Every candidate must appoint an official agent whose name and address and consent must appear on the candidate's nomination paper. Official agents do not have to be eligible electors. Official agents have responsibility for campaign finances, including funding and expenses.

(a) Campaign Expenses — **S. 404-406**

Most payments relating to a campaign, except for a candidate's personal expenses, must be made through the official agent. These payments must be made within 60 days of the date that the result of the election is declared. Payment of late claims must be approved by the chief electoral officer.

(b) Contributions to Candidate — **S. 370-373, 378-381,385-403**

An official agent can receive contributions from and issue receipts to contributors to the candidate's campaign. Receipts are obtained from the Elections Office. An official agent must also prepare and deliver financial returns detailing contributions and expenses at the end of the election.

See also I. Financing Provisions for Candidates.

2. Candidates' Agents (Scrutineers) — S. 214-220

A candidate or official agent may appoint one or more agents to represent the candidate at a polling station. No more than two agents for a candidate may remain at a polling station at one time. Agents may be appointed to more than one polling station. All appointments are made in writing on Form 27, which is distributed by the returning officer. It is the responsibility of the candidate and official agent to ensure that agents understand their duties and rights at a polling station. In particular, agents should be aware of the provisions for polling day in the *Elections Act*. These election officials can also witness the ballot counts for a mail-in polling division, which is conducted by the returning officer.

Candidates' agents do not have to be qualified electors.

3. Candidate's Representative at Revision **S. 138**

Revision is open to the public. A candidate may be represented informally at revision but the representative may not question any changes to the list, interrupt or otherwise interfere with the proceedings.

E. CAMPAIGNING AND ADVERTISING

1. Advertising — S. 326

All advertising that refers to an election must include the name and address of the sponsor as required by the *Elections Act.* All rules for broadcasting political messages on radio or television are under the *Broadcast Act,* which is federal legislation. Broadcasters, who are licensed under this Act, should be consulted regarding advertising on radio or television.

2. Notices or Advertisements

The name and address of the sponsor are not required in any notice or advertisement that contains only one or more of the following: (1) the colours or logo of a registered political party, (2) the name of a registered political party or (3) the name of a candidate.

3. Posting Advertisements and Notices — S. 327,328

Any person who puts any notice or advertisement on private property or property belonging to a government or First Nation should obtain permission and must follow any safety rules. This includes the posting of materials on public utility poles. Questions regarding the posting of campaign material on highways and rights of way should be referred to the Department of Highways and Public Works. It is an offence under the *Elections Act* not to remove any posted material within 30 days after polling day.

4. Access to Dwelling Units During a Campaign — S. 338

It is an offence to prevent, or attempt to prevent, a candidate, an official agent or any person authorized by the candidate as a campaign worker, access to a building that has more than one dwelling unit.

F. INFORMATION AND MATERIALS FURNISHED TO CANDIDATES

1. Candidate's Package

A candidate's package, which contains nomination papers and information listed below regarding nomination as a candidate, is available **from the returning office following the issue of the proclamation by the returning officer.** The package includes:

(a) 1 *Voting in Your Electoral District,*

(b) 1 *Information for Candidates in Yukon Elections,*

(c) 2 Nomination Papers (one English, one French), Form 3,

(d) 1 *Completing and Filing a Nomination Paper,*

(e) 1 Declaration of Ineligibility, Form18,

(f) 1 *Elections Act,*

(g) 1 *Information on the Pay, Expenses and Benefits of Members of the Legislative Assembly,*

(h) 1 Official Agent's Guide - *Official Agents and Election Financing,*

(i) 10 *Voting by Proxy* with application,

(j) 20 Appointment of Candidate's Agent, Form 27.

2. Documents for Candidates Distributed During the Election Period

The returning officer will provide the following documents and materials as available.

(a)	Notice of Grant of Poll, Form 21 **on nomination day**	s. 122
(b)	a copy of the Proclamation, Form 2 **on filing a nomination paper**	s. 125(a)
(c)	three polling division maps **on filing a nomination paper**	s. 125(b)
(d)	Notice of Candidate Withdrawal, D.22s.133 **immediately the returning office is informed**	
(e)	two sets of preliminary lists of electors, Form 8 **by day 17**	s. 78,80(c), 81(c) 125(c)
(f)	List of Changes and Additions for a Candidate (Revision) **by day 22**	s. 148(2)
(g)	List of Electors Added at Special Revision **before the opening of the polls**	s. 155(a)

(h)	List of Electors Voting by Special Ballot **as often as required to inform candidates**	s. 102(1)
(i)	List of Electors Who Voted at an Advance Poll, Form 34 **by Day 28**	s. 207(b)
(j)	supply of Appointment of Candidate's Agent, Form 27 **in candidate's package**	s. 214(1)
(k)	two Statement of the Poll, Form 36 **one after the ballot count; one by mail**	s. 266(d),(e) 271(2)(c)
(l)	Returning Officer's Certificate of the Results of the Official Addition, Form 40 **after the official addition**	s. 279(c)
(m)	Returning Officer's Application for a Recount, D.40 (if required) **after the official addition**	s. 280(b)
(n)	notice of time and place of a recount **within four days of the application**	s. 289(1)
(o)	Certificate of a Judge Upon Completion of a Recount, Form 42 **after the recount**	s. 299(1)(d)
(p)	Return to the Writ After Poll, Form 43 **after the election is declared**	s. 305
(q)	copy of application challenging validity of election **when applicant files.**	s.359

3. A returning officer will advise candidates in an electoral district, in which there are one or more mail-in polling divisions, of the date on which ballot papers will be delivered to electors who will be voting by mail-in.

4. **Additional Material**

The following material is available on request from the Elections Office during and between elections:

(a) *Elections Act*

(b) *Electoral District Boundaries Act*

(c) map of Yukon electoral districts

(d) maps of individual electoral districts

(e) *Information on the Pay, Expenses and Benefits of Members of the Yukon Legislative Assembly*

(f) reports of the chief electoral officer on election results

(g) reports of the chief electoral officer on any recommendations for amendments to the *Elections Act*

(h) reports on contributions, revenues and expenses for registered political parties and candidates

(i) reports of Electoral District Boundaries Commissions.

At an election, the Elections Office also publishes or makes available:

(1) the names, addresses, office hours and telephone numbers of returning officers,

(2) the locations for revision, advance polls and polling places,

(3) a list of candidates and their political affiliations, and

(4) the numbers of electors on preliminary and official lists of electors.

Information is also available on the website **www.electionsyukon.gov.yk.ca**

G. VOTING IN YUKON ELECTIONS

In order to vote, an elector must be on the list of electors for the electoral district in which the elector lives or be sworn in on polling day.

Mail-in Polling Division **S. 156-162**

If a returning officer believes before enumeration that there are 25 or fewer electors in a polling division, the electors will vote by mail-in. A ballot paper, instructions, and envelopes are delivered to each elector in the mail-in polling division after nomination day. The elector marks the ballot paper and returns it in the envelopes to the returning officer **before** the close of the polls on polling day. A ballot paper that arrives after polling day is sent unopened to the chief electoral officer, who destroys it. A mail-in ballot paper can also be delivered and returned by hand.

Special Ballot **S. 97-105**

A special ballot is a procedure that permits electors in certain circumstances to have a ballot paper delivered to them. It allows them to mark their own ballot papers. The following electors can vote by applying to the returning officer to vote by special ballot:

(1) those who are housebound,

(2) those whose work, employment or profession takes them away from their electoral districts on polling days,

(3) students (and eligible spouses and dependents) who are attending an educational institution in the Yukon but outside their electoral districts,

(4) temporary residents in transition homes,

(5) those who are unable to vote at the advance poll or at a polling station on polling day.

In addition, patients in hospitals on polling day and prisoners (including young offenders) will vote by special ballot. They do not need to apply. On the application to vote by special ballot, the electors can identify who should deliver the ballot papers to them.

A candidate cannot deliver a special ballot to an elector or return a marked ballot paper to the returning office.

Electors who have concerns about personal safety, if their names and addresses are made public, can also vote by special ballot.

An elector who receives a special ballot will not receive a second ballot paper. The elector cannot have someone bring the ballot paper to the polling station on polling day or bring it in person and mark it at the polling station.

Proxy Voting **S. 106-109**

An elector who is outside the Yukon on polling day can vote by proxy. The elector must complete a proxy application, Form 31 and in it, name a proxy voter **or** authorize a candidate or registered political party to name the proxy voter. The proxy voter and elector must be on the same list for an electoral district. Either the proxy voter or the elector must take the proxy application to revision or the returning office so that a **proxy certificate** can be issued. The proxy voter must deliver the proxy certificate to the deputy returning officer for the polling station where the elector is on the list and entitled to vote. The proxy voter can vote on behalf of the elector at the advance poll or on polling day. A proxy certificate can be issued on polling day.

Advance Polls **S. 199-207**

Electors who believe they will be absent on polling day can vote at the advance poll. The procedures for voting are the same as those on polling day. A declaration at the advance poll is not required.

Swearing In on Polling Day **S. 231.1**

A qualified elector whose name does not appear on the official list of electors on polling day can be sworn in. The elector must be vouched for by another elector:

- whose name is on the list for the same polling division,
- who can confirm that the elector who is being sworn in is qualified to vote, and
- who has not vouched for any other elector.

The elector will also take a declaration of qualification and will be asked to prove identity and residence address.

In a polling place with only one polling station, the deputy returning officer can confirm the identity and residence address of the elector who is being sworn in but the elector will still require another elector to vouch for him or her

The chief electoral officer will publish a list of identification and proof of residence address, which can be used for swearing in, before polling day.

H. MEDIA AND COMMUNICATION DEVICES IN POLLING PLACES

Media — S. 227

Representatives of the media are entitled to be present at polling places. At previous elections, members of the media have had permission to take pictures of electors receiving ballot papers from deputy returning officers at one or two polling places. Their entitlement is under rules established by the chief electoral officer. The rules are as follows.

1. Permission must be obtained from the chief electoral officer to enter any polling place.
2. Photographs and filming will be permitted from 9:00 a.m. to 11:30 a.m. and 1:30 p.m. to 4:00 p.m. on polling day and at the advance poll.
3. Requests for photographs and filming during advance polls must also be made in writing to the chief electoral officer.
4. The chief electoral officer will direct which polling places are to be used for photographs and filming.
5. Photographs or filming of voters who are marking their ballot papers in polling booths or with the deputy returning officer's assistance will not be permitted.
6. Permission to film or photograph leaders of registered political parties or other candidates must be obtained from the leaders or the candidates. The filming or photographing, however, must take place between the times set on polling day by the chief electoral officer.
7. A representative who accidentally observes for whom an elector has voted will not reveal that information.
8. A representative who is wearing or carrying political propaganda such as buttons, lapel pins, etc., must remove this material before entering the polling place.

Communication Devices — S. 222.1

The use of any electronic communication device or any device used for transmission and receiving is not permitted in any polling place or within 25 metres of a polling station. Election officers only are permitted to use communication devices such as cell phones at polling places.

I. FINANCIAL PROVISIONS FOR CANDIDATES

The following is a summary of the financial provisions of Part 6 of the *Elections Act.* Candidates are responsible for understanding the detailed provisions and ensuring that official agents fulfil the requirements of the Act.

S. 401(2)

An official agent must keep copies of receipts, records and books of account in order to verify information with Revenue Canada.

Contributions **S. 378**

Only the official agent can issue receipts for contributions. They must be issued for every contribution of cash or negotiable instrument. Contributions of goods, services and discounts off the usual price of goods and services are to be recorded but not receipted. A contribution is not volunteer labour or membership in a registered political party. A candidate who has received a contribution before the issue of the writ, or before filing a nomination paper, should keep a record of these contributions, including the name and address of the contributor and the amount of the contribution, or a description of the contribution and an estimate of its value. The official agent can issue receipts for contributions of cash or negotiable instruments received by the candidate before the election was called or the candidate filed a nomination paper.

Anonymous Contribution **S. 372**

An anonymous contribution, whether cash, a negotiable instrument or in-kind, cannot be accepted. It must be given to the chief electoral officer who will pay it into the Yukon Consolidated Revenue Fund or dispose of it by donation or sale.

Donations collected at a meeting held for political purposes are not considered anonymous contributions.

Contributions from Trade Unions, Political Parties and Other Unincorporated Groups **S. 389**

A candidate can accept contributions from trade unions, political parties and other unincorporated groups. A statement;

(1) identifying the principal of an unincorporated group by name and address, and, as applicable,

(2) the name and address of any contributor over $250 in the group, an indication of no contributors over this amount or a separate statement identifying an unincorporated group contribution over $50, must accompany any contribution from an unincorporated group.

Receipts **S. 379, 380,402**

- The chief electoral officer issues receipt forms to the official agents.
- Receipts can be issued up to 30 days after the date of the return to the writ.
- Receipts for cash or negotiable instruments can be used for income tax credits.
- Unused receipts must be returned to the chief electoral officer.

Election Return **S. 399, 399.1, 352**

Returns to be filed by a candidate must be completed, signed and filed by the official agent. If the official agent fails to do so, the candidate is responsible for completing, signing and filing the return. **A compliance order** will be issued by the chief electoral officer to the candidate, if an Election Return is not received from either the official agent or the candidate. If the chief electoral officer files a certificate with the Supreme Court with an order for compliance, it has the effect of a judgement of the Court.

(1) **S. 385-390**

An **Election Revenue Return** must be filed within 90 days after the return to the writ. It must include all revenues received by the candidate and provide detail on the contributions received as cash or negotiable instruments, contributions in kind, all other sources of revenue including any revenues received from a registered political party. The return will also identify contributors by name and address depending on the source of the contribution and the amount or value of the contribution. Duplicate copies of issued receipts are part of this return.

(2) **S. 391-393**

An **Election Expenses Return** must be filed at the same time and sets out the fair market value of goods and services used during the election. The candidate's nomination deposit is not an expense.

(3) **S. 394,395**

An **Election Financing Return** must be filed at the same time as the election revenue and expenses return. This return provides totals of cash and negotiable instruments, in kind contributions and expenses. It must also state the surplus or deficit for the election and the total campaign value. If there is a deficit, the return must identify the names and addresses of debt holders.

Surplus Funds **S. 395(3),(4)**

Any surplus funds for a candidate of a registered political party are to be paid to that registered political party. Proof of payment of surplus funds to the party must be included with the Election Financing Return. Surplus funds for an independent candidate are to be given to the chief electoral officer who will pay the funds to the Yukon Consolidated Revenue Fund.

Public Inspection of Returns, Reports of the Chief Electoral Officer and Disclosure of Contributors' Names **S. 396,398**

The returns filed by the official agent can be viewed at the Elections Office during normal business hours. The names and addresses of contributors of $250 or less in cash or negotiable instruments, contributors of in kind contributions valued at $50 or less or unincorporated groups contributing $50 or less are not disclosed to people inspecting the returns or in the reports prepared by the chief electoral officer.

J. VALIDITY OF ELECTIONS S. 354-364

An application to challenge the validity of an election can only be made within 30 days of the date of the return to the writ to the Supreme Court. The application can be made by a candidate in the election in the electoral district in which the validity of the election is being challenged or by an elector in that electoral district.

The election can be challenged only for the following reasons:

(1) the candidate who was declared elected was not qualified to hold office at the time of the election, or

(2) the election was not conducted as required by the *Elections Act.*

It cannot be challenged for the same reasons that a judicial recount took place.

All candidates at the election in the electoral district are entitled to be parties to the proceedings.

At the hearing of the application, the judge can declare that the elected candidate is qualified to hold office; declare the elected candidate is not qualified to hold office and that the office is vacant; declare the election is valid; or, declare that the election is invalid and that the office is vacant. An election cannot be declared invalid if the judge finds that the election was conducted in good faith. Even if the election was not conducted according to the Act, if it can be established that the non-compliance did not substantially affect the result, the results may stand.

Although an applicant is required to file $500 as security for the costs of the proceedings, the costs will be paid by the chief electoral officer if the election is declared invalid. The court can order that costs be recovered from any other person by the chief electoral officer and the costs deposited for security can be applied to the payment of costs ordered to be paid by the applicant.

A candidate whose election is challenged can file a statement renouncing the claim to office.